4. It is clear that this has long been a kayamgutta village and that it should have treated as such at the Inam Settlement. The quit-rent first imposed on it was not objected to probably owing to its smallness. That quit-rent having been recently considerably raised, objection has now been taken to the manner in which the village has been dealt with by the Inam Department.

5. In concurrence with Colonel Grant, Government direct that the Inam Settlement including the imposition of quit-rent be set aside and the village recorded as kayamgutta.

Memo No. R. 7651—*R. M.* 535-04-8, *dated Bangalore, 22nd December* 1905.

Copy of the above is forwarded to the Superintendent of Inam Settlements in Mysore with reference to his letter No. 49, dated the 27th September 1905.

Appeal No. 37 *of* 1905-06.

Appellant	*Vs.*	*Respondent.*
Kare Bangaloora of Halu Bhavipalya, Magadi Taluk.		

Subject.

Appeal against the order of the Deputy Commissioner of the Bangalore District, directing the levy of an assessment of annas eight on the appellant for the year 1903-04, and his eviction from the subsequent year, from a vacant site No. 18 of Halu Bhavipalya village in the Magadi Taluk, alleged to be encroached upon by him but claimed as his private property.

The facts of the case appear sufficiently from the following:—

Decision.

These proceedings relate to a vacant building site which has been in the appellant's possession for some time past. In 1902, objection was, for the first time, taken to his enjoyment of it on the ground that he had no documentary evidence in proof of his title. The Assistant Commissioner ordered the usual site tax to be levied from him in addition to a fine of annas eight. The appellant was thereupon given a patta on the strength of which as well as of his antecedent title he continued to be in possession until the following year, when the Deputy Commissioner cancelled the patta and ordered the man's eviction. In appeal it is contended that this order is erroneous and unsustainable.

2. Government hold that the appeal is entitled to succeed. The appellant being in possession, it is for the party impugning his title to show that the site is not his property but that of Government. On this point there is absolutely no evidence. Under the law (Section 36 of the Revenue Regulation) what is not the property of individuals is the property of Government. This does not mean that the "*onus probandi*" lies on the individual actually in possession in assertion of his own right. It has not been shown that the site in question is not private property and that the appellant's possession is wrongful.

3. The appeal is allowed and the order directing the appellant's eviction set aside.

Memo No. R. 7695—*R. M.* 636-04-4, *dated Bangalore, 23rd December* 1905.

Copy of the above is forwarded to the Deputy Commissioner of the Bangalore District, together with the records received with his letter No. 250, dated the 11th September 1905.

Appeal No. 38 *of* 1905-06.

Appellant	*Vs.*	*Respondent*
J. Muniappa Setti of Kasba Mulbagal.		Venkatarayappa, Shanbhog of Kavitanahalli village, Mulbagal Taluk.

Subject.

Appeal against the order of the Deputy Commissioner of the Kolar District, affirming the order of the Assistant Commissioner, cancelling the alienation, by mortgage, of a portion of a certain service Inam land attached to the shanbhogi office of Kavitanahalli village in the Mulbagal Taluk, on the ground that such alienation was invalid as per rules; and directing that the mortgagee, who is the appellant, should be dispossessed of the said land.

The facts of the case appear sufficiently from the following:—

Decision.

This case relates to a service Inam land which, at the potgi settlement was fully assessed to revenue. The respondent is the shanbhog of the village. One-half of the land was in his possession and the other half in that of his hissedar Ramanna. The whole number stood registered in the respondent's name. He objected to his potgi being held responsible for the assessment due on the portion not in his enjoyment. At the inquiry it transpired that Ramanna had mortgaged his half to the appellant. In the result the Deputy Commissioner passed the order appealed from.

2. Though fully assessed and partly in the enjoyment of a hissedar, the land in question is nevertheless a shanbhogi Inam land which, under the Rules, is inalienable. The Deputy Commissioner therefore rightly refused to recognize the mortgage relied upon by the appellant. Government see no reason to interfere.

3. The appeal fails and is accordingly rejected.

Memo No. R. 7706—*R. M.* 119-05-4, *dated Bangalore, 23rd December* 1905.

Copy of the above is forwarded to the Deputy Commissioner of the Kolar District, together with the records received with his letter No. 2460—182, dated the 19th September 1905.

B. K. VENKATA VARADA IYENGAR,
Secy. to Govt., Gen. & Rev. Dept.